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2 The Honorable Ricardo S. Martinez  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

9 STATE OF WASHINGTON,

10 Plaintiff,

11 v.

12 ALDERWOOD SURGICAL CENTER, LLC,  
13 a Washington limited liability company;  
14 NORTHWEST NASAL SINUS CENTER  
P.S., a Washington professional service  
corporation; and JAVAD A. SAJAN, M.D.,

16 Defendants.

17 NO. 2:22-cv-01835-RSM

18 SUPPLEMENTAL DECLARATION OF  
19 MATTHEW GEYMAN IN SUPPORT OF  
20 STATE'S MOTION TO COMPEL  
21 PRODUCTION OF CONSUMER NAMES  
22 AND EMAIL ADDRESSES IN KEY  
23 DOCUMENTS

24 NOTE FOR CONSIDERATION:  
Friday, September 22, 2023

25 I, Matthew Geyman, hereby declare as follows:

26 1. I am one of the counsel for Plaintiff State of Washington in this action, and make  
this supplemental declaration based up on my personal knowledge and upon the files and records  
in this case.

2. Attached as **Exhibit A** is a true and correct copy of an email chain titled “negative  
review hair transplant,” dated May 4, 2018 to May 8, 2018, produced by Defendants and Bates  
numbered ASC005377-ASC005380.

1       3. Attached as **Exhibit B** is a true and correct copy of a document titled “Release,  
2 Settlement and Non-Disclosure Agreement,” dated 2018, produced by Defendants and Bates  
3 numbered ASC002339-ASC002344.

4       4. Attached as **Exhibit C** is a true and correct copy of the Declaration of Ash  
5 Navone, dated September 14, 2023.

6       5. Attached as **Exhibit D** is a true and correct copy of the Declaration of Shieliene  
7 Raines, dated September 19, 2023.

8       6. Defendants’ Opposition to the State’s Motion to Compel asserts that “in the  
9 [AGO’s] response to a Public Records Request, it produced PHI for two transgender patients  
10 including names, dates of birth, IP addresses, and email address [sic] as well as PHI about a third  
11 patient.” *See* Dkt. #37, p. 7 & n.20.

12       7. The documents Defendants identified were attachments to consumer complaints  
13 filed with the Attorney General’s Office (AGO) that were produced to Defendants through the  
14 public records request process. These documents were produced as public records in the same  
15 form they were submitted to the AGO, as required under State public records law.

16       8. Each of the consumers identified in these complaints agreed when they submitted  
17 their complaints to the AGO that their complaint and communications with the AGO relating to  
18 the complaints were public records subject to disclosure in response to a public records request.

19       9. Attached as **Exhibit E** is a true and correct copy of the AGO’s Consumer  
20 Complaint Form, which provides in relevant part: “I understand that by submitting this complaint  
21 to the Washington State Attorney General’s Office my complaint . . . and all communications  
22 with the Attorney General’s Office will become public records under state law. Public records  
23 are subject to disclosure in response to requests for public records and my complaint and all  
24 related documents may be disclosed to the public.”

1       10. Attached as **Exhibit F** is a true and correct copy of an email titled “Phone call,”  
 2 dated October 20, 2022, produced by Plaintiff to Defendants and Bates numbered WA-AG-  
 3 ALLURE00003841.

4       11. On Thursday, September 7, 2023, I filed the Declaration of Matthew Geyman in  
 5 Support of State’s Motion to Compel Production of Consumer Names and Email Addresses in Key  
 6 Documents, Dkt. #32, which attached nineteen (19) exhibits. Five of the exhibits, Dkt. #32-1,  
 7 #32-4, #32-5, #32-6 & #32-7, did not have necessary redactions that were required under  
 8 LCR 5.2(a).

9       12. One of the five exhibits failed to redact the name of a minor child, as required under  
 10 LCR 5.2(a)(2). I learned of this error on Friday, September 8, 2023, at 12:26 pm, when Defendants’  
 11 counsel sent me an email saying that one of the exhibits to my declaration, referring to the  
 12 Declaration of David Lundin, contained the name and birthdate of a minor. *See* Dkt. #38-2.

13       13. The Declaration of David Lundin, Dkt. #32-5, refers to his child but does not reveal  
 14 the child’s name or birthdate. Dkt. #32-5, pp. 1-6. The first exhibit to the declaration, Dkt. #32-5,  
 15 p. 8, attached a bank statement that was properly redacted. Dkt. #32-5, pp. 7-8. The second exhibit,  
 16 however, attached a document entitled Mutual Non-Disclosure Agreement that contained the  
 17 child’s name, birth date, and email address, *id.*, pp. 9-12, and the third exhibit attached a document  
 18 that contained the child’s first name. Dkt. #32-5, pp. 13-15.

19       14. Before filing my declaration, I reviewed all nineteen exhibits to make sure they were  
 20 correct. During my review, I noticed that the bank statement attached to Dr. Lundin’s declaration  
 21 was redacted, but did not realize that the other exhibits showed the name and birthdate of his child.  
 22 I knew we had been careful to avoid using the child’s name in the declaration, Dkt. #32-5, but did  
 23 not realize that these two exhibits were not redacted.

24       15. At 1:58 pm, on Friday, September 8, 2023, in response to their email, I replied to  
 25 Defendants’ counsel and told them I would file a praecipe per LCR 7(m) asking the Court to  
 26 substitute a corrected exhibit with the proper redactions. Dkt. #38-2. With the assistance of

1 professional staff, I then corrected the unredacted exhibit pages and prepared a praecipe to file with  
 2 the Court. When I attempted to file the praecipe at approximately 3:15 pm, however, I was unable  
 3 to file it using the CM/ECF system because of a temporary system outage.

4 16. I then sent a follow-up email to Defendants' counsel at 4:13 pm that afternoon, still  
 5 on Friday, September 8, 2023, and told them I was trying to file the praecipe to correct the error but  
 6 was unable to do so because the CM/ECF filing system was down. A true and correct copy of that  
 7 email is attached as **Exhibit G**. This follow-up email to Defendants' counsel was part of the  
 8 same email chain they submitted to the Court, but they failed to include it in the exhibit they  
 9 provided to the Court. *See* Dkt. #38-2.

10 17. Because the CM/ECF system was down, I called the Clerk's Office a second time  
 11 and asked if the unredacted exhibit, Dkt. #32-5, could be sealed. The individual I spoke to said they  
 12 would seal the exhibit, and when I checked the docket at the end of the day on Friday, it had been  
 13 sealed. On Monday morning, September 13, 2023, at 7:41 am, when the CM/ECF system was  
 14 operating again, I filed the praecipe and attached the redacted exhibit. Dkt. #33, #33-1.

15 18. As a result of this redaction error, I and others in my office further reviewed all of  
 16 the other exhibits to my declaration to see if there were any other redaction errors. We discovered  
 17 that four other exhibits, Dkt. #32-1, #32-4, #32-6 & #32-7, were also missing redactions of the  
 18 birthdates to show only the birth year. We then immediately corrected those redaction errors by  
 19 filing a second praecipe which submitted the corrected redacted exhibits, and asked the Clerk's  
 20 Office to substitute those corrected exhibits. *See* Dkt. #34, #34-1, #34-2, #34-3, #34-4.

21 19. My colleagues and I have reached out to the individuals whose information was  
 22 improperly redacted to request a time to inform them what happened, to apologize for the mistake,  
 23 and to address any concerns or questions they might have. As of today, either I or a colleague has  
 24 been able to speak directly with two of the affected individuals, as further detailed below.

25 20. Today, September 22, 2023, I spoke with Dr. Lundin and explained what happened.  
 26 I told him that the name, birthdate, and email address of his child could be seen in a public court

1 filing for almost twenty-four hours from late afternoon on Thursday, September 7, 2023, until late  
2 afternoon on Friday, September 8, 2023. I apologized and assured him that we take these matters  
3 very seriously. He said he appreciated that I promptly corrected the mistake by asking the Clerk's  
4 Office to seal the unredacted exhibit and then substituting the corrected document. He also told me  
5 that I could convey to the Court that he is not overly concerned about what happened after hearing  
6 my explanation in which I conveyed the information above.

7 21. Also today, September 22, 2023, a colleague spoke with Victoria Hester. My  
8 colleague explained that we had made a mistake in failing to redact the month and day of their  
9 birthday in the exhibit to Victoria's declaration, Dkt. #32-4, and apologized for that mistake.  
10 Victoria expressed their appreciation for being informed, that they were not concerned, and that  
11 they hoped the error would not prevent their declaration from being considered in this case.

12 22. I greatly regret these redaction errors. I take full responsibility for these errors as the  
13 attorney who prepared and filed my declaration. The attorneys and professional staff in the Attorney  
14 General's Office are very conscientious and rarely make these kinds of mistakes. As a result of  
15 these redaction errors, the attorneys and staff working on this case have discussed specific enhanced  
16 procedures for ensuring such mistakes do not happen again, and we will make every possible effort  
17 to prevent it from happening again.

18 I declare under penalty of perjury under the laws of the State of Washington that the  
19 foregoing is true and correct.

20 DATED this 22nd day of September, 2023.

21  
22 */s Matthew Geyman*  
23 MATTHEW GEYMAN  
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**CERTIFICATE OF SERVICE**

I certify under penalty of perjury under the laws of the State of Washington that I caused a copy of the foregoing to be served on all counsel of record via the ECF system.

DATED this 22nd day of September, 2023, at Seattle, Washington.

/s Matthew Geyman  
MATTHEW GEYMAN  
Assistant Attorney General